

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GEANARD E. HOWARD,

Plaintiff,

vs.

RICK MANAGEMENT INSURANCE
COMPANY, et al.,

Defendants.

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Case No. 4:10-CV-444-JCH

ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis [Doc. #2]. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff "is under imminent danger of serious physical injury."

After reviewing the complaint, the Court finds no allegations indicating that plaintiff was in imminent danger of serious physical injury at the time he filed his complaint. As a result, the Court will deny the motion and dismiss this action without prejudice to refiling as a fully paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. #4] is **DENIED** as moot.

¹See Howard v. St. Louis Police, Case No. 4:97-CV-1112 JCH (E.D. Mo.); Howard v. Crane, Case No. 4:04-CV-317 MLM (E.D. Mo.); Howard v. Elam, Case No. 4:09-CV-1103 ERW (E.D. Mo.).

IT IS FURTHER ORDERED that this action is **DISMISSED**, without prejudice,
pursuant to 28 U.S.C. § 1915(g).

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 22nd day of March, 2010.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE